

~~BEST AVAILABLE COPY~~**REMARKS**

This responds to the first office action mailed October 5, 2005 in connection with the above identified patent application. Prior to entry of this amendment, claims 1-16 were pending in the application. By this amendment, claims 1, 4, 7, 13 and 14 have been amended, claim 6 has been deleted and new dependent claim 17 has been presented. New independent claim 18 has also been added. Claims 4, 7, 13 and 14 have been amended for consistency with amended claim 1. No new matter has been introduced. Amended claim 1 and new claim 18 are fully supported by original claim 1 and also by the text found at page 7 lines 11-15 and elsewhere. New dependent claim 17 moves the "variable phase" limitation from dependent claim 4 into a separate dependent claim 17 to ensure consistency with amended claim 1.

Claim Rejection - 35 U.S.C. § 103

Claims 1-4 and 6-16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Malini (EP 1 256 519) in view of Ponti (EP 0 581 747) in further view of Suolahti (US 6,305,145). To overcome this rejection, claim 1 has been amended accordingly. In particular original claim 1 has been amended to include the distinguishing features that a first group of the plurality of idle film tensioning rollers (30) are fixed on the plate (31), while a second group of the idle film tensioning rollers (30) is mounted on a rocker arm (32) pivoted on a frame (33). As discussed in the response to the first office action, these idle film tensioning rollers (30), both those fixed on the plate (31) and those mounted on the rocker arm (32), provide an expansible structure able to immediately compensate for the request of film actuated by the wrapping means (7). Specifically, the film alternately passes around rollers (30) fixed on the plate (31) and rollers (30) mounted on the rocker arm (32) in a serpentine fashion as visible in Figures 1 and 2 of the present application.

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Amended claim 1 as presented herein clarifies that it is necessary to have more than one roller fixed on the plate and more than one roller mounted on the rocker arm. The wrapping means (7) as described and shown in the drawings operates with significant accelerations and decelerations. When the wrapping means (7) accelerates, it takes the film (3) over the group (1) of products (2) which advances along the respective surface (5, 6). When the film (3) is located completely over the group (1) of products (2), the wrapping means (7) decelerates until repeating the wrapping operation for another group (1) of products (2). Naturally, this implies a discontinuous request of film to be supplied by the feed unit owing to the specified arrangement and interaction of the rollers (30). The presence of only one roller (30) placed on the plate (31) and of only one roller mounted on the rocker arm (32) would be inadequate to supply the request of the wrapping means (7), because there would be insufficient length of film available for immediate supply. On the other hand, the plurality of idle film tensioning rollers (30) both fixed on the plate (31) and movable with the rocker arm (32), pivoted at C of Figure 2 of the present application, improves the functioning of the wrapping machine, avoiding any wrenches and tears in the film due to the discontinuous request of film.

Applicant respectfully notes that there are no documents in the prior art cited which disclose the technical features above described. Malini (EP 1 256 519) does not disclose any plurality of idle film tensioning rollers located beside the roll able to constitute an expansible structure like the application does. Malini only discloses wrapping means (3) similar to the wrapping means shown in the application.

Ponti (EP 0 581 747) fails to disclose a plurality of idle film tensioning rollers, some of which are fixed on a plate while others are mounted on a rocker arm. Ponti merely discloses feed means provided with a roll of film (3) and first and second power

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driven rollers (27 and 28) underneath the first and the second surfaces. Ponti also describes a tubular roller (29) vertically movable to allow to sensor means (30) of controlling the feed of film from the roll (3).

The Examiner has presented a new document, US 6,305,145 by Suolahti. This document describes a wrapping apparatus for winding a wrapping foil web around an object, having a structure completely different from the one disclosed in amended claim 1. The foil dispenser (2) runs along a ring-like endless track (3) placed around the object (1) to be packaged. The foil dispenser (2) comprises a foil roll (5), a plurality of diverting elements (10, 12, 15), a sensor (8) for detecting foil web tension and a lever arm (13) pivoted at a turning axle (14). On this arm is placed only a single diverting roller (15), which cooperates with the roller (12) fixed on a plate (4). As such, Suolahti fails to disclose a plurality of idle film tensioning rollers, some of which are fixed on a plate while others are mounted on a rocker arm.

Furthermore, the apparatus defined in amended claim 1 is respectfully submitted to be nonobvious relative to the Malini (EP 1 256 519), Ponti (EP 0 581 747) and Suolahti (US 6,305,145) documents. The combination of Malini and Ponti can arguably lead to an apparatus having the Malini's wrapping means with the Ponti's feed means, but the Applicant emphasizes that the combination of Malini and Ponti still does not disclose or fairly suggest the apparatus specified in amended claim 1, i.e., an apparatus provided with a plurality of idle rollers, some of which are fixed on a plate of the apparatus while others are mounted on a pivotable rocker arm, because neither Malini nor Ponti show or suggest an expansible structure like the one claimed.

The Examiner has proposed the combination of Malini, Ponti and Suolahti, since the latter is the only document which shows stretching means comprising a rocker arm associated to a roller. The Applicant respectfully submits that claim 1 is patentable over

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the Examiner's proposed combination of documents because Suolahti shows only a single roller mounted on the rocker arm and not a plurality of rollers, as specifically recited in amended claim 1. As such, Suolahti does not suggest the possibility of providing the lever arm 13 with more than one roller. Indeed the wrapping machine of Suolahti works in a complete different way with respect to the wrapping machine of the present application. In Suolahti's apparatus, the object to be packaged remains still and the foil dispenser circulates around it along a ring-like structure. So there are no significant accelerations and decelerations during the unwinding of the film, since the request of wrapping material is quite constant. The result of the previous combination would be an apparatus having the Malini's wrapping means with the Ponti's feed means and the Suolahti's stretching means. *With the combination proposed by the Examiner, the film would be stretched much too tight since the presence of only one idle film tensioning roller mounted on a rocker arm would not be able to supply the required film to the wrapping means.* The presence of only one idle film tensioning roller mounted on a rocker arm does not create an expansible structure which assures a correct tensioning of the film and an adequate feeding of the wrapping means. As a consequence, the film will be deformed and this will lead to a lot of drawbacks during, advancing of the film, cutting operations and wrapping operations. As such, even if a person of ordinary skill in the art combined Malini, Ponti and Suolahti, he/she would not have a reasonable expectation of success, nor he would reach the solution claimed in amended claim 1.

For the above reasons, amended claim 1 and the dependent claims are believed to novel and unobvious over the cited documents. New independent claim 18 is also respectfully submitted to be in condition for allowance.


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Conclusion

The prior art made of record but not applied by the Examiner has been carefully considered but is submitted to be less relevant than the references previously discussed. All matters having been addressed above and in view of the pending claims and remarks, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims. Applicants' counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Respectfully submitted,



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